

REMARKS

Claims 12, 13, 27, 31, and 32 were previously canceled. With the present Amendment, claims 3 and 28 have been canceled without prejudice, and claims 1, 4, 8, 14, 15, and 17 have been amended. Claims 1-11, 14-26, and 28-30 are pending in the application.

Reconsideration and withdrawal of the rejections are respectfully requested in view of the following remarks.

II. Rejections Under 35 U.S.C. § 103

A. Sullivan in view of Brown and Miles

Claims 1-11, 14-20, 23-26, 28 and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable Sullivan in view of Brown and Miles.

Claims 1, 8, 14, and 17 have been amended to recite a forehead support and laterally extending support bar extending from a mask body and adapted to contact a forehead surface of a patient during use, the forehead support having a plurality of sensors located thereon for detecting electrophysiological signals of the patient wherein the support bar is connected to the forehead support and extends in generally lateral directions from the forehead support to define a pair of sensor sites, with one of the pair of sensor sites being proximate to a FP1 standard electrode placement position of said patient and the other of the pair of sensor sites being proximate to a FP2 standard electrode placement position of said patient. Additionally, a pair of EEG sensors is provided, with one of the pair of EEG sensors being held by the support bar at said FP1 standard electrode placement position and the other of the pair of EEG sensors being held by the support bar at said FP2 standard electrode placement position.

These features are not taught or suggested by Sullivan in combination with Brown and Miles. Therefore, claims 1, 8, 14, and 17 are not obvious the combination. Claims 2 – 7 are dependent on claim 1; claims 9-11 are dependent on claim 8; claims 15, 24, 25, 29 and 30 are dependent on claim 14; and claims 18-20 are dependent on claim 17. Therefore, claims 2-7, 9-11, 15, 18-20, 24, 25, 29 and 30 are also not obvious over Sullivan in view of Brown and Miles.

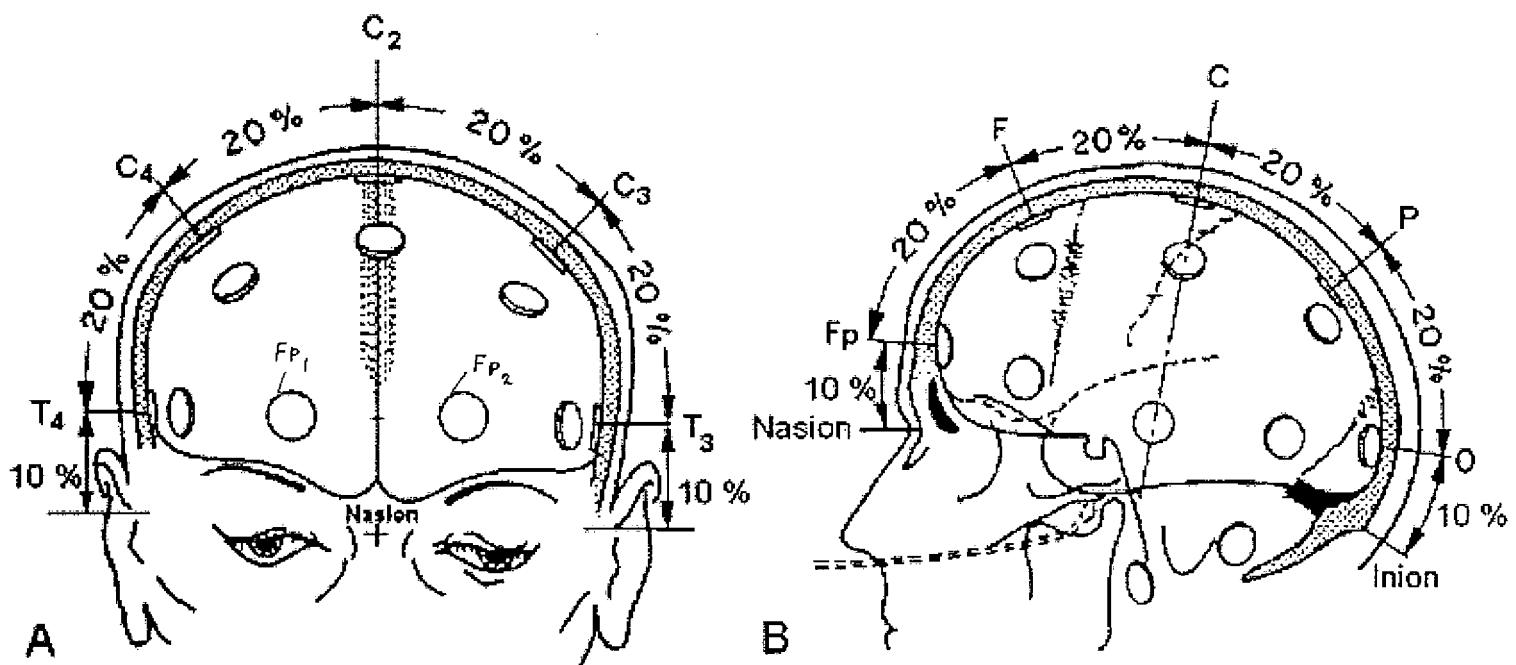
Sullivan does not disclose or suggest a support bar connected to the forehead support that extends in generally lateral directions from the forehead support to define a pair of sensor sites, with one of the pair of sensor sites being proximate to a FP1 standard electrode placement position of said patient and the other of the pair of sensor sites being proximate to a FP2 standard electrode placement position of said patient.

Significantly, Brown does not disclose or suggest the use of EEG electrodes at standard EEG electrode placement positions FP1 and FP2. To the contrary, Brown discloses placement of the EEG electrodes on "opposites sides of the patient's forehead." Col. 3, lines 35-37, and FIG.

2

It would be appreciated by one of ordinary skill in the art that the FP1 and FP2 standard electrode placement positions are *not on opposites sides of the patient's forehead*.

Figure 1 below is an illustration of standard electrode placement positions for EEG procedures. As illustrated, the FP1 and FP2 positions are generally above the patient eyes and not on opposite sides of the patient's forehead.



Additionally, Claim 14 has been amended to include the limitation of leads attached to said pair of EEG sensors passing through an aperture of said support bar and along said external surface of said mask body.

The combination of Sullivan, Brown and Miles, even if proper, would fail to yield the indicated claim limitations. Consequently, the Applicant respectfully requests that the rejections of claims 1-11, 14-20, 23-26, 28 and 29 be withdrawn.

B. Sullivan in view of Brown and Miles and further in view of Cui et al.

Claims 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Brown and Miles and further in view of Cui et al.

Claim 17 has been amended as indicated above to include features not taught or suggested by Sullivan in combination with Brown, Miles and Cui et al. Claims 21 and 22 are dependent on claim 17. Therefore, claims 21 and 22 are not obvious over Sullivan in view of Brown, Miles and Cui et al. and in view of the arguments presented above.

Consequently, the Applicant respectfully requests that the rejections of claims 21 and 22 be withdrawn.

C. Sullivan in view of Brown and Miles and further in view of Tripp

Claim 30 was rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Brown and Miles and further in view of Tripp.

Claim 14 has been amended as indicated above to recite limitations not taught or suggested by Sullivan in combination with Brown and Miles and Tripp. Claim 30 is dependent on claim 14. Therefore, claim 30 is not obvious over Sullivan in view of Brown and Miles and Tripp for the reasons indicated above.

Consequently, the Applicant respectfully requests that the rejection of claim 30 be withdrawn.

III. Conclusion

In view of the above, applicant believes the pending application is in condition for allowance. Reconsideration and allowance of the pending claims are respectfully requested.

If an extension of time fee or any other fee is due, please charge Deposit Account 023732 from which the undersigned is authorized to draw.

Dated: 3.4.2009

Respectfully submitted,

By: Don Kios

John F. Klos
Registration No.: 37,162
Briggs and Morgan, P.A.
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
(612) 977-8229
(612) 977-8650 (Fax)
Attorneys for Applicant